

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

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JEFF GIERINGER,) by Sup Com
Plaintiff,	
v.	Civil Action No. 3:08-CV-267
THE CINCINNATI INSURANCE COMPANIES,	? Varian/Guyton
Defendant.)

NOTICE OF REMOVAL OF A CIVIL ACTION

Comes now the defendant, The Cincinnati Insurance Company (improperly named in the Complaint as "The Cincinnati Insurance Companies"), by and through counsel, pursuant to 28 U.S.C. §1446, and hereby gives notice of removal from the Circuit Court of Sevier County, Tennessee, to the United States District Court for the Eastern District of Tennessee, Knoxville Division, alleging as follows:

- 1. On June 16, 2008, the plaintiff, Jeff Gieringer, filed suit against Cincinnati in the Circuit Court for Sevier County, Tennessee, where said action is now pending under docket number 2008-0417-I.
- 2. On June 20, 2008, Cincinnati was served with a Summons and copy of the Complaint through the Department of Commerce and Insurance. A copy of the Summons and Complaint is attached as Exhibit 1.
- No further proceedings have been had in the Circuit Court of Sevier County,
 Tennessee.
- 4. The lawsuit involves purported first party coverage obligations of Cincinnati Insurance Company under a policy of insurance issued to the plaintiff. for honoring a lien

or levy of the Internal Revenue Service. The amount sought in the Complaint is in excess of \$299,250.00, as treble damages have been alleged, and thus, the amount in controversy exceeds, exclusive of interest and costs, the sum of Seventy-Five Thousand Dollars (\$75,000.00). This action only involves citizens and residents of different states. At the time of the commencement of the action in the Circuit Court of Sevier County, Tennessee, the plaintiff, Jeff Gieringer, represented that he was a resident of Sevier County, Tennessee. The Cincinnati Insurance Company is incorporated and organized under the laws of the State of Ohio, with its principal place of business in Fairfield, Ohio. thus, Cincinnati is a citizen and resident of the State of Ohio for purposes of this Court's "diversity of citizenship" jurisdiction under 28 U. S. C. § 1332.

5. This Court has jurisdiction over the above styled action, pursuant to the provisions of 28 U.S.C. § 1332 and 28 U.S.C. § 123, in as much as the defendant is not a citizen or resident of the State of Tennessee, and the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interest and costs. Therefore, removal to this Court and Division is proper, pursuant to 28 U. S. C. §1441.

WHEREFORE, The Cincinnati Insurance Company prays that the above-styled action be removed from the Circuit Court of Sevier County, Tennessee, to the United States District Court for the Eastern District of Tennessee, Knoxville Division.

Respectfully submitted,

PARKS T. CHASTAIN

Registration No. 13744

Attorney for Defendant, The Cincinnati

Insurance Companies

BREWER, KRAUSE, BROOKS, CHASTAIN & BURROW, PLLC

P. O. Box 23890 Nashville, TN 37202-3890 (615) 256-8787

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of July, 2008, a true and correct copy of the foregoing has been sent, via first-class mail, postage prepaid to:

Terrill L. Adkins, Esquire Trammell, Adkins & Ward, P.C. P. O. Box 51450 Knoxville, TN 37950-1450

PARKS T. CHASTAIN

PTC:dmt